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- Tuesday, December 9, 1986

Testimony of Admiral John Poindexter before the House Foreign Affairs Committee

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TESTIMONY OF VICE ADMIRAL JOHN POINDEXTER  
FORMER NATIONAL SECURITY ADVISOR TO THE PRESIDENT  
BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE

TUESDAY, DECEMBER 9, 1986

CHAIRMAN FASCELL: We meet this morning to continue the committee's hearings on the President's policy to sell arms to Iran, and the diversion and allocation of profits from these sales to the contras. Today, (M op RING

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TUESDAY, DECEMBER 9, 1986

CHAIRMAN FASCELL: We meet this morning to continue the committee's hearings on the President's policy to sell arms to Iran, and the diversion and allocation of profits from these sales to the contras. Today, the committee is scheduled to hear Vice Admiral John Poindexter, former National Security Advisor to the President, and Lieutenant Colonel Oliver North, former staff member of the National Security Council. This hearing is a continuation of the committee's efforts to establish an open and public record on this matter, to the extent possible. And yesterday, we received testimony from Secretary of State George Shultz, and from former National Security Advisor Robert McFarlane, in open session. And in the hearing before that, from Secretary Whitehead in open session.

I want to take this opportunity to thank the Admiral very much in volunteering to come before this committee today. We, in the Foreign Affairs committee, Admiral, of course will cooperate with other institutions and agencies that have a responsibility with respect to the entire matter that we're discussing. I'm talking now about the independent counsel, the special investigative committee of the House, the Presidential commission on the review of the National Security Council. So we will focus our hearings, and have

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been, primarily on the whole question of the formulation, implementation of foreign policy, the processes that were used in this particular instance. Because they seem to have been entirely different from what we've learned so far, from the witnesses and from other accounts, entirely different than what we have heretofore considered normal processes within the Administration, and subject to the checks and balances of the Congress and the Executive working together with respect to both formulation and implementation of policy.

So as far as the nitty-gritty is concerned, and the question of pursuing the issue of violation of laws and whatnot, that will be up to the independent counsel. As far as exhaustive examination of the facts are concerned, that will be up to the special investigative committees, both in the House and the Senate. Our job, as a foreign affairs committee, is to understand what happened. It's very important for us if we're going to deal with foreign policy, and we expect to have a construct relationship and role between the Congress and the Executive. Now you were the National Security Director, you're the focal point of this whole thing. So -- but we appreciate your willingness to be here today, is what I'm saying. Mr. Broomfield.

MR. BROOMFIELD: Thank you, Mr. Chairman. I also want to join with you in welcoming Admiral Poindexter to this morning's hearing. Admiral Poindexter's service as assistant to the President for national security affairs for one year under the Iran initiative qualifies him to assist this committee in getting to the bottom of

this matter. Admiral Poindexter graduated in 1958 from the US Naval Academy at the top of his class, and subsequently obtained a Ph.D. in nuclear physics from the California Institute of Technology. The Admiral's naval career has thus far included ship command, destroyer squadron command, and server in senior Navy positions. In 1983, Admiral Poindexter joined the National Security Council staff; and in December 1985, he did become the assistant to the President for national security affairs. And during this service, in that position, he has participated in the formulation and execution of aspects of the Administration's Iran initiative.

The Attorney General of the United States, in his press conference on November 24, 1986, mentioned Admiral Poindexter as an individual who may have had some degree of knowledge concerning the making available to the Nicaraguan resistance of proceeds from arms sales to Iran. Thus, the Admiral's actions are likely to be reviewed in a variety of forums, including an independent counsel investigation. I, personally, want to welcome you, John, here this morning. I've had a great deal of respect for you since you've been in the Administration, and I hope that we can get some facts that, as the Chairman indicated, so we can get to the bottom of this matter, and we can move on to correct any credibility problems we have, and get on to an effective foreign policy.

CHAIRMAN FASCELL: Admiral, would you please stand and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

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ADM. POINDEXTER: I do.

CHAIRMAN FASCELL: You are duly sworn. Admiral, just following up for one second on what Mr. Broomfield has said, consistent with legal advice and your own rights, it would be extremely helpful if there was some way that we could get indication of the processes that came about, and the decisions and whatnot, which previous testimony has indicated, of course, had to start with the President's decision to initiate a policy. And then what happened after that, because we find out now, also through testimony, of course, that you have -- the Secretary of State, obviously, was out of the loop, and the testimony yesterday was nothing short of shocking, if you're secretary of state. It's unusual if you're a member of Congress, trying to understand how an administration is implementing its policy. And I'm -- I don't know for sure yet whether Secretary Weinberger, the Secretary of Defense, was out of the loop also. Frankly, I don't see how he could be, since all the arms, whatever was transferred, came out of his department. But it may have been that he was. So these are all very confusing issues for us. And anything that you could tell us would be extremely helpful.

Now we had these hearings -- we held these hearings as a committee, to provide the best open record that we can provide, consistent with common sense, and the rights of individuals, and the security of the country. So also to give witnesses an opportunity to say whatever they wanted to say, if they want to say anything.

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So right now, therefore, the Foreign Affairs Committee is turning the floor to you, Admiral Poindexter, to determine if at this point you have any comment that you care to make before we proceed.

ADM. POINDEXTER: Thank you, Mr. Chairman. I do have a short statement, but the first thing I'd like to do is introduce Mr. Richard Beckler, who is my attorney.

CHAIRMAN FASCELL: Mr. Beckler. Is he your attorney?

ADM. POINDEXTER: He is my attorney.

CHAIRMAN FASCELL: Delighted to have you, Mr. Beckler.

MR. BECKLER: Thank you.

ADM. POINDEXTER: He has a very brief statement, and I will follow that with a statement.

CHAIRMAN FASCELL: Mr. Beckler.

MR. BECKLER: As the Admiral said, my name is Richard W. Beckler. I'm an attorney in the law firm of Fullbright and Jaworski. Our firm represents Vice Admiral John M. Poindexter. We are

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appearing voluntarily without a subpoena before the Committee today. As we have said before and at the Senate, Admiral Poindexter pledges his full cooperation with all committees' investigations. As has been pointed out here this morning, he has served the country and the President faithfully for the last 33 years, and he will continue to do so at all times. He would like, at an appropriate time, to answer all of your questions completely and accurately, so that the Committee as well as the American people will have a full understanding of the events which have come to light during the past few weeks.

The Committee's inquiry, we understand, will no doubt raise serious and substantial questions regarding a wide-range of events. In this connection, I should point out again the obvious, that is the Committee has already heard testimony from Secretary of State Shultz, and from former Assistant to the President for National Security Affairs, Robert McFarlane. There will no doubt be many other witnesses before this Committee. Likewise, there already have been and will continue to be various requests for testimony from Admiral Poindexter.

As attorneys we will do everything we can to assist our client in his sincere desire to cooperate with this Committee and the various other congressional committees that will soon take hold of this situation. We are, of course, extremely concerned as attorneys by the Department of Justice's recent request for the appointment of an independent counsel. Although Admiral Poindexter wishes to assist the Committee in its investigation, we want to ensure that he is adequately prepared to answer your questions, and that in doing so he does not waive any of his Constitutional rights.

Our first request here today is to request a postponement of Admiral Poindexter's testimony. Failing that request being granted, we would reiterate the fact that Admiral Poindexter views this investigation with the utmost seriousness and wishes to cooperate fully with the Committee. We are not, however, prepared to advise him to testify today if you insist on going forward. And if he is required to do so, he will, upon my advice, invoke his Fifth Amendment rights.

Thank you.

CHAIRMAN FASCELL: Thank you very much, Mr. Beckler. Admiral.

ADM. POINDEXTER: Mr. Chairman, and Members of the Committee: I certainly understand the Committee's concerns in this whole affair. It is my sincere desire to assist this Committee to the best of my ability. I firmly believe, as the President has stated several times, that this Committee and the American people, have the right to know all of the relevant facts regarding the activities of the NSC staff.

The matters you are reviewing today are extremely complex. I note the Committee has already received testimony from the Secretary of State and from my predecessor, Robert McFarlane. I, too, will cooperate with this Committee at an appropriate time. For the past

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33 years, I have faithfully supported the Constitution of the United States, and have served my country and the commander-in-chief. And I will continue to do so. I have appeared before this Committee informally before, and have always tried to answer your questions as thoroughly as I could.

However, because of my attorney's stated concerns, and their advice that I not testify at this time, I have requested that my testimony be postponed. If you should insist on my testifying at this time, I will respectfully and regretfully have to decline on the advice of counsel because of my Constitutional rights under the Fifth Amendment.

Thank you.

CHAIRMAN FASCELL: Well, thank you very much, Admiral. We certainly understand, and we would not want to in any way impinge on your Constitutional rights--after all, you're innocent until proven guilty--or at least I thought that was the situation around the world. And, neither would we, however, want to in any way, directly or indirectly, interfere with an investigation that

might be undertaken by the Justice Department or by the appointment of an independent counsel. So, with both of those purposes and motives, we very much appreciate the fact that you're willing to go this far to demonstrate your willingness to cooperate with the Foreign Affairs Committee of the Congress and ultimately let the American people make a judgment on everything that's happened. And, of course, the American people are very interested at this point. They want to know everything that's going on, and we do, too.

So let me ask you, because this has been a kind of a key question -- I've never quite gotten it sure whether or not Lt.-Col. Oliver North and McFarlane were operating after December 5th, 1985 under your direction.

MR. BECKLER: Respectfully, sir, if I may as his counsel state that if that is a direct question, my client would be invoking his constitutional rights against self-incrimination by answering that question. If you'd like him to give you that answer, he can do so. But we're not going to answer the questions about ---

CHAIRMAN FASCELL: I understand and I appreciate the advice and let the Admiral say whatever he wants to say, in light of that.

ADM. POINDEXTER: I'd like to answer that question and hope to be given an opportunity to do so at another time. However, on the advice of my attorneys, I must decline to answer that question at this time because of my constitutional rights under the Fifth Amendment.

CHAIRMAN FASCELL: In other words -- can I ask the counsel now a question? The theory being that, once the Admiral begins to testify on anything, even though it might not appear to be relevant, you're taking a chance with respect to your client's rights because it might be interpreted later on that he waived his constitutional

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rights by answering any question. Is that correct?

MR. BECKLER: That's correct, Congressman. We don't want it said that he's waived his rights to later assertions of Fifth Amendment rights at another proceeding, be it before Congress or any other proceeding. But let me reiterate that we have very strong feelings here about whether or not this admiral has done anything right or wrong, and we believe that what he has done has been right. And I do not -- I would hope that this invocation of the Fifth Amendment does not leave people with a different impression at this time.

CHAIRMAN FASCELL: Well, Mr. Beckler, let me just say something. As far as I'm concerned, any individual is entitled to his constitutional rights; and every person in this country is innocent until somebody proves him guilty.

MR. BECKLER: Thank you, Congressman.

CHAIRMAN FASCELL: Mr. Broomfield, do you have any questions?

MR. BROOMFIELD: Yes, I do have one question I'd like to ask the Admiral. Admiral, what do you know about the making available to the Nicaraguan resistance of proceeds from the arms sales to Iran?

ADM. POINDEXTER: Mr. Broomfield, I would like to answer that question and hope to be given an opportunity to do so at another time. However, on the advice of my attorneys, I must decline to answer that question at this time because of my constitutional rights under the Fifth Amendment.

CHAIRMAN FASCELL: Admiral, thank you.

MR. BROOMFIELD: Well, I was going to ask him a question I thought could be answered. What are the basic long-term interests of the United States with Iran, in your view?

ADM. POINDEXTER: Mr. Broomfield, as Bud McFarlane testified yesterday -- and I generally agree with his entire introductory statement, Iran is of extreme strategic interest to the United States because it controls the eastern side of the Persian Gulf and the oil assets that are in that part of the world. It is essential for the security of the United States and the free world that Iran be in a situation not in opposition to the free world. It provides a root for the Soviet Union to gain a warm-water port in the Indian Ocean, which has been a long-term goal of the Soviet Union. So the stability and the security of Iran is essential to the United States.

CHAIRMAN FASCELL: Thank you, Admiral. Mr. Hamilton. I had hoped, frankly, that once this had been established that we wouldn't go through a whole motion of asking a lot of questions that the Admiral obviously cannot answer. But ---

MR. BECKLER: Sir ---

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CHAIRMAN FASCELL: I'm just making a statement, trying to clarify the position of the Chair. Mr. Hamilton.

MR. HAMILTON: Thank you very much, Mr. Chairman. Admiral, you've indicated that you're prepared to answer questions at an appropriate time. Could you tell us what an appropriate time and circumstance would be?

MR. BECKLER: If I may, Congressman Hamilton, it's a little bit tough to gauge right now what an appropriate time will be. I would -- as you know, there are requests for the Admiral's testimony from other committees of Congress. Right now there is under

consideration -- they're trying to decide who to name as the independent counsel. We'd certainly like to have some conversations with the independent counsel.

MR. HAMILTON: Will you insist on immunity for the Admiral before it's an appropriate time?

MR. BECKLER: Congressman, that's a good question. And I can tell you at this time that we're not insisting on immunity. The position we are taking is that we are invoking, on behalf of Admiral Poindexter, the Fifth Amendment. We are not asking anybody for immunity at this time. The questions of immunity are ones that can be left to the hands of the Congress at this time, or in the hands of the independent counsel. But we are simply not requesting immunity.

MR. HAMILTON: It is my understanding, Admiral, that you will not answer any question with regard to the Iranian initiative, the legal issues, the diversion of money by the Contras, the nature of the arms transfer to Iran. You'll not answer any questions with regard to your involvement in those matters during your period of time as National Security Advisor. Is my understanding correct?

ADM. POINDEXTER: Yes, sir, that is correct at this time.

MR. HAMILTON: Let me just observe, Mr. Chairman, if I may, that I know Admiral Poindexter to be an exceedingly honorable man. He comes from Indiana, and we've had a very good relationship with him. I've worked with him closely on the Intelligence Committee. I understand that he's in a very difficult position today, and I certainly take you at your word when you indicate that you're prepared to give us full cooperation at the appropriate time, as you and your counsel see fit.

I must say nonetheless that it does distress me to see an admiral take the Fifth Amendment. I have made a quick check with the Library of Congress. I am informed, on the basis of that quick check, that at no time in the history of the country has an active-duty admiral taken the Fifth Amendment before a congressional committee. And although I appreciate the circumstances that exist here, I nonetheless want to say that it distresses me a great deal that you find yourself in that circumstance at a time when the

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Congress is seeking, in the only way it knows how, to get the full disclosure about events that we consider to be enormously important for the national interest of the United States. And I thank you for your appearance. I thank you for your honorable service to this country and for your cooperation with the Intelligence Committee and other committees of the Congress over a period of time.

CHAIRMAN FASCELL: Anybody else to comment?

MR. : Yes, Mr. Chairman.

CHAIRMAN FASCELL: Mr. Gilman.

BENJAMIN GILMAN (R-NY): Thank you, Mr. Chairman. Admiral, I hope we don't, and I don't intend to put you through the excruciating process of redundancy of repeating the Fifth all the way through, but one of the foreign policy considerations that this committee will be looking into is the respective roles of the National Security Council and the Department of State and the conflicts that have arisen over the years because of the overlapping jurisdictions and because of the operational activities from time to time the National Security Council embarks on. And I would hope that either today or at some future time you could give some constructive suggestions to this committee of how we could better redefine those respective roles so we don't run into the conflicts that have arisen, for example, at the time that Mr. Kissinger and Mr. Rogers were engaged in problems, the time that Mr. Vance and Mr. Brzezinski were confronted with similar problems, and now with the current administration, and at the time you were in office and were confronted with similar problems by the Secretary of State. We certainly would welcome any constructive suggestions you could make as we take a look at the possibility for the need for reform legislation. And you may want to make some comment on that at this time if that doesn't conflict with your counsel's advice.

ADM. POINDEXTER: Mr. Gilman, thank you. After serving in Washington during my career a total of some 13, 14 years now, I have observed the process that you're referring to. And certainly one of the objectives I had when the President asked me to be the National Security Advisor in December of 1985 was to work diligently to make the process work. I tried very hard at that, and at some future time I would be most pleased to talk to this committee or to anybody else about what I think needs to be done. And I would sincerely appreciate that opportunity.

MR. GILMAN: Thank you, Admiral. Thank you, Mr. Chairman.

CHAIRMAN FASCELL: Mr. Mica (?).

DAN MICA (D-FL) (?): Mr. Chairman, I understand the situation we're in. I know each member has prepared a large number of questions. I have questions, approximately 50 questions, that were prepared. And I would like to submit these



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questions for answer as quickly as possible and when the appropriate time is agreed upon. But without objection, I would like to submit all of the questions that have been prepared and leave the record open for any other members to submit questions.

CHAIRMAN FASCELL: Without objection, your questions will be received for the record. Mr. Dornan?

MR. DORNAN: Mr. Chairman, the Admiral has already answered one geopolitical question. In the sixties, people on the street had a chance where the whole world was watching. The whole world is watching and, for good or bad, there was great truth in that, but in that time period, there wasn't the saturation, media coverage, that we have now of every event, large and small, and I can recall at some points during the last two years, Mr. Chairman, you had to send your scouts out to get a quorum here for certain events and we don't have that problem today because of the drama of the moment. And if the Admiral is willing to stay, and it appears he is, I think the whole world is watching and he may have the excellent opportunity as a man who was the key presidential advisor on foreign affairs for almost a year, the deputy to Mr. McFarlane for, I believe, for over a year before that -- two years. So there's a three-year overview of the geopolitical problems that this nation and its allies in the free world faced in Central America and, as he clearly stated, brief as it was, about Iran, and I think we have an opportunity here as the Foreign Affairs Committee -- and again, it appears to me the Admiral is willing to do this -- to learn something through his valuable experience -- those three years backed up by 30 other years serving his country -- to discuss and flesh out what the President tried to say ever so briefly in three appearances -- one of them a very harried press conference -- what George Bush said very articulately as a senior member of the National Security Council, second only to the President and that, if the nation is watching and people have tuned in because of the drama of the moment to this event, who never avail themselves of the opportunity to watch those brief moments on C-Span, learn something about the geopolitical tensions across this world, I think that the members will respect the Admiral's dignity and his legal position and constitutional rights which every one of us agrees to, not to ask trick questions.

But I would like to hear the Admiral's analysis of the Central American area, similar to what he just told us about Iran and then let all of these brilliant colleagues of mine probe him for his depth of experience on what just kind of a dangerous world we live in today and the risks that a president has to take in facing the Brezhnev Doctrine, in trying to come up with successes in foreign policy with no guarantee whatsoever, since we're all frail human beings, that there will be a 100 percent record of success, be that President Jimmy Carter, Ronald Reagan or whoever else is to follow in that job that has been described as a "magnificent misery." That's all I have to say, Mr. Chairman.

CHAIRMAN FASCELL: Thank you. Now let me just get something straight here. I thought there were going to be a few questions here and that's the reason I started recognizing people out of order. There's been an objection raised to that process by members

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of the committee, with good reason. I will not do that any more and  
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we're not here to have a discussion philosophically on geopolitics but to deal with the subject matter that's at hand. Therefore, I will go down the list in regular order. If you have a question or you want to ask a question, ask a question. Otherwise, we've got other business to attend to.

MR. BECKLER: Congressman, may I have a word, please?

CHAIRMAN FASCELL: Mr. Beckler?

MR. BECKLER: Yes, I understood -- we came up here to cooperate and --

CHAIRMAN FASCELL: That's what I'm trying to get you, Mr. Beckler, so that you won't have to take the oath on the Fifth Amendment 25 or 30 times here, since (?) my colleagues once understand that you're not going to testify.

MR. BECKLER: That's exactly what --

CHAIRMAN FASCELL: I think we've set a sufficient record already to make it clear that your client is not, because he cannot under your advice.

MR. BECKLER: I concur, Congressman.

CHAIRMAN FASCELL: You know, I have adult senior members here who want to do what they want to do and they're going to do it, although I hope that we can proceed with dispatch and some grace on this.

MR. BECKLER: Let me just say one thing, though, if I may, Congressman, and that is, in response to Mr. Hamilton, this is a unique situation, but let us remember that there is very little precedent for an NSC advisor -- assistant to the President -- to come up here and testify and that he finds himself in

often in this unique position and I repeat once again that at the appropriate time he will cooperate. We have tried in every way with the committee to try to reach an understanding as to the ground rules here today, across the board, and I understood that one of the ground rules we were going to have, and I address this not so much to the chairman as to the members of the entire committee, that we were not going to have to be invoking the privilege to a whole series of questions. And I would ask the members of this committee to go along with that loose understanding that we had.

CHAIRMAN FASCELL: Mr. Beckler, the chair would join you in that request.

MR. BECKLER: Thank you.

CHAIRMAN FASCELL: Mr. Solarz?

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MR. SOLARZ: (off-mike) I think part of the problem or confusion here is that Admiral Poindexter in response to a question by Mr. Broomfield, I think it was, did respond in some fashion and did not assert his Fifth Amendment privilege. And I think that created some confusion among the members who had anticipated that the Fifth would be taken in response to every question. I don't think any of us has a desire to go through a long procedure here where everybody asks questions, and the Admiral feels obligated to take the Fifth in response to every one of them. But if there are areas of legitimate interest to the committee with respect to which Admiral Poindexter is prepared to give answers, then I think members would like to know what they are, because then there are questions which I think we would have. But nobody wants to go through a kind of charade here where we're going to ask questions but get no answers.

CHAIRMAN FASCELL: Mr. Bonker?

MR. BONKER: Well, Mr. Chairman, could we possibly get a response, either from the Admiral or his attorney about --

CHAIRMAN FASCELL: Well, they're conferring, and while they're conferring --

MR. BONKER: About whether in fact there are any areas of inquiry to which you're prepared to respond at this time.

ADM. POINDEXTER: Mr. Solarz, and also in answer to Mr. Dornan's question earlier, I really am not prepared to go into great detail. I did not prepare any longer testimony on the more general topics over which I have had a position of overseeing or participating in for the past several years. I do think, and I humbly state this, that I do have something to contribute in terms of my view of the process and some of the strategic problems that the United States faces. And at some future time I would like to come back and have an opportunity to talk to you in more general terms about the situation that I think the United States is in

at this point, and address many of these questions of process. That is, in addition to the specifics on this particular Iranian affair. But I really am not prepared today to get into that.

CHAIRMAN FASCELL: He wants to ask Mr. Beckler a question. Mr. Levine? And then we'll --

MR. LEVINE: Mr. Chairman, I'd just like to ask the counsellor a process question at this point in time. In response -- following up your response to Mr. Hamilton, if you and Mr. Poindexter are not seeking immunity at this time, can you give this committee an idea of the circumstances, the criteria, the criteria that you had outlined for determining the appropriate circumstances under which Mr. Poindexter would testify?

MR. BECKLER: That's a fair question, Congressman Levine, but at this time I don't think that I -- it really revolves around

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advice between myself and our client, Admiral Poindexter. There are a whole series of events out here. There's a vortex of allegations swimming around, nobody has really settled in yet on what a possible offense may be, and frankly, I'm doing what any good lawyer would do for his client, advise him at this time not to answer any questions. I repeat that I'm not seeking immunity, but I see a mine-field out there. I see allegations being thrown around, statements being made, some true, some not true, and, frankly, I think I would be doing a disservice to my client if I put him into a debating position right now. So that's a sort of a general reason.

MR. LEVINE: I'm not questioning your legal advice, or the appropriateness of it, I'm just trying to get some guidelines in terms of how we could make a judgment about appropriate circumstances.

MR. BECKLER: Well I think we have to -- for guidelines I really can't give you the guidelines. You'll have to get them somewhere else. I'm not in a position. I can just about give my client the guidelines, but I'm not in a position to give any guidelines up here. Thank you.

MR. LEVINE: Thank you.

CHAIRMAN FASCELL: Mr. Barnes?

MR. ROTH(?): Mr. Chairman.

CHAIRMAN FASCELL: Mr. Barnes?

MR. BARNES: Thank you, Mr. Chairman, I have a question for the attorney.

CHAIRMAN FASCELL: Okay, I'll be right back to you, Mr. Roth, I'm sorry.

MR. ROTH: Thank you.

CHAIRMAN FASCELL: Be right back to you.

MR. BARNES: Mr. Chairman, I'd like to, in all sincerity, ask Admiral Poindexter to just consider something, obviously not right now, but after you leave here. If I were your lawyer, and I am a lawyer I'd be giving you exactly the same advice that your attorney has given you. It's the right legal counsel, he's trying to protect you personal interest,

and that's what your lawyer should be doing. But, sir, you have devoted your life to this country. And, as Mr. Hamilton and others here have said, sir, you obviously care deeply about our country. You've given enormous public service to our country in a career in the United States Navy. And our country is in a terrible trauma right now. And you, perhaps more than any other individual in the nation, have the ability to help pull us out of it by laying out what in fact happened and who did it and what went wrong and why and helping everybody to get through this quickly and easily by just

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sort of laying it all out for them -- maybe not here to this committee -- maybe to the President in a written memo or something. There may be a way you can use the knowledge you have to help the country through this problem. You've served the country so well before. You've never had a time in your career, I'm sure, sir, when it was more important to serve the country.

So I would just ask you to -- obviously you have to consider your counsel's advice. But your personal legal situation here is perhaps not as important as your responsibility to our nation. The worst thing that can happen to you is you might be found guilty of one of the many crimes that your counsel are trying to research to see whether they may be applicable to any of your actions. The worst thing that could happen to you is some jury somewhere will decide that you were guilty. And quite frankly, my judgment is that the worst thing that would happen then is that you would have a very short, probably suspended sentence somewhere, because no one believes that you were acting out of your own personal interests. Everyone would agree you were doing what you thought was best for the country.

So all I'm asking you, sir, is when you leave here to think about whether you might want to change your course. It's good advice. It's the right legal advice. But it may be the wrong thing for the country, sir.

MR. BECKLER: On the Admiral's request, I'd like to respond to that just briefly. I don't want to expand my role beyond the counsel to this witness -- and that's what it is. I'm not so sure that this advice is bad for the country, either, but we'll leave that to be debated at another time. However, for Mr. Barnes, who's sitting up there, to take a long leap forward to the end of a trial and suggest that my client would be convicted and then maybe only get a suspended sentence is nothing less than outrageous.  
(Applause)

MR. BARNES: Mr. Chairman, could I just clarify that? I was not implying that this would happen. I said the worst thing that could happen, if the Admiral were convicted of some crime. I don't want to suggest for a moment that I know whether the Admiral has committed any crime. If the implication was there, I apologize to you, sir. That was certainly not my intention. On the contrary, what I was suggesting is, I think there is great likelihood that

anything could happen out of this, and you might very well not be found to have been involved in any kind of criminal activity. I don't want to leave any contrary implication, and I apologize if that was the case.

MR. BECKLER: We accept your apology. We'd ask to be excused, if we could, Mr. Chairman.

CHAIRMAN FASCELL: I thank the gentleman from Maryland for his explanation. And without objection, the Admiral and his attorney are excused.

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MR. ROTH: Attorney Beckler -- you told me you were going to come back to me.

CHAIRMAN FASCELL: Do you mind, Mr. Beckler, answering a question for Mr. Roth?

MR. BECKLER: I'll give it my best.

MR. ROTH: Thank you, Mr. Beckler.

CHAIRMAN FASCELL: As long as he doesn't try you, hang you and convict you, you agree to agree to answer it.

MR. ROTH: Mr. Beckler, I've often felt, you know, most of the people in the Congress are attorneys, and the give-and-take here maybe indicates we have too many attorneys in Congress. I am not an attorney. My question to you is this. You have told us that the Admiral has 32 years of excellent service, and we realize that and we respect that. But his commander-in-chief, the President of the United States, asked the members of his administration to come before the Congress and to cooperate fully and completely. Now when you're advising your client to take the Fifth Amendment, you're in direct contradiction to what the President of the United States has asked his members to do. Is that proper for you to do that?

MR. BECKLER: Mr. Roth, I respect what you're saying. I think that there are interpretations of what the President of the United States has said. You'll have to ask his counsel as to what his direction is. I'm not going to comment on that at this time. Thank you.

MR. ROTH: Well, Mr. Beckler, we all understand the English language. And when the President of the United States comes before the American people and says he wants -- is asking the members of his administration to cooperate fully and completely with the Congress, I can only interpret that one way. That's for them to come before the Congress and to lay the facts on the line.

MR. BECKLER: I understand, Mr. Roth, what you're saying. And I think really that we have said we are going to cooperate. We will cooperate when it's the appropriate time. And, as has been said before, this admiral, John Poindexter, is going to support his president and is going to cooperate with this committee, as he has done in the past and will do so in the future. But not today.

MR. ROTH: Well, Mr. Beckler, in all due respect ---

CHAIRMAN FASCELL: Your time has expired. You know, I yielded to you for one question to the lawyer. And I don't want to have a debate about the law, or anything else right now.

MR. ROTH: We're not debating the law, Mr. Chairman. We're debating policy here.

CHAIRMAN FASCELL: I don't even want to debate policy right

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now.

MR. ROTH: I didn't know we had the gag rule on this committee, Mr. Chairman.

CHAIRMAN FASCELL: There's no gag, Mr. Roth.

MR. ROTH: Well, what is it, if you can't ask questions?

CHAIRMAN FASCELL: Now you want to argue with me. Mr. Dymally.

MR. DYMALLY: Mr. Chairman, I'm not going to ask a question of the Admiral or counsel. I simply want to note, with some concern, that the Admiral chose to answer one question of Mr. Broomfield's. And without asking him why, I'd like to know at some subsequent or appropriate time, why is it that he chose to answer one question of one member, and not answer questions from other members. And I am troubled by that. I was prepared not to say anything because I believe that you have a right to exercise your constitutional rights, and I respect that. But I am troubled as Mr. Solarz is that you chose to answer one question and have refused to answer other questions. And that is troubling?

Why is it, and I ask this rhetorically, that you chose to single out one member to respond to, and not the other members?

MR. : Mr. Chairman, one moment. I'd just like to say this. I want to congratulate our chairman on how he's handled the session today. I think he has shown the best of America in allowing Adm. Poindexter to take advantage of his constitutional privilege with dignity and respect, and I admire you for it.

CHAIRMAN FASCELL: Thank you very much, Admiral, and Mr. Beckler. Thank you for your cooperation. It got a little bit beyond what we thought it would, but hopefully not in a harmful way. And I do hope we will have an opportunity to discuss all of this in full at some time, as soon as the matter is clarified, because there is no question about it, you're the key to this whole operation.

END OF HEARING